

1895-051 Chancery Causes: Charles Morefield vs. Cornelia Morefield
Lee Co

Waddle, Lipps, Asberry, Young, Shuler

CH-Divorce

T-Vices

To the Honorable W . T. Miller,

Judge of the Circuit Court of Lee County Virginia.

Humbly complaining would show unto your Honor, your orator, Charley Morefield, that on the ^{14th}~~17th~~ day of April, 1892, he was united in marriage with one Cornelia Waddle, with whom your orator lived about ~~eight~~ ^{or ten} ~~or~~ nine months in that perfect union and confidence which ought to exist between husband and wife, doing every thing in his power to make their home a happy and peaceable one. But at about the end of the above mentioned period, she the defendant, became cold, indifferent and untrue to your orator, utterly disregarding the solemn marriage vows she had made to love, honor and obey him your orator; and became enamored with one, George Lipps who had alienated entirely the said defendants affections for your orator, her husband. And your orator alleges and avers that the said defendant contriving to injure and disgrace your orator, did commit frequent acts of Adultery with the said George Lipps. Your orator would further show that the said acts of Adultery were committed without his procurement, connivance or consent; and that he has not cohabited or had anything to do with the said defendant ^{and that he last cohabited with her in Lee County} since he had knowledge of the fact of her Adultery; and that the defendant is now living separate and apart from your orator, and has been from that time. Your orator further alleges that the acts of adultery complained of occurred less than five years next before the institution of this suit; and that he and the defendant are both residents of Lee County, Virginia, and have been for one year next before the commencement of this suit. Now the object of this

bill is to obtain a decree dissolving the bonds of matrimony heretofore contracted and now existing between your orator and the said defendant. And being without remedy, save by the aid of a court of Equity, he prays your Honor,s court of Chancery to take cognizance of his cause and render the proper relief, such as to Equity may seem just. To this end therefore he prays that the said Cornelia Morefield be made a party defendant to this bill, and that she answer its allegations, but not upon her oath; and that upon a final hearing a decree be pronounced by your Honor,s court, dissolving the bonds of matrimony heretofore contracted and now existing between your orator and the said defendant. And your orator will ever pray.

F. N. Jones, P. J.

Charly Morefield.

vs In Chancery.

Cornelia Morefield.

1894 2nd September rules
bill filed Sum's Deeds
+ Decree nisi
" 1st October rules Decree
nisi Confirmed and
Cause set for hearing
by Plaintiff

90 to 00
m-

your orator will ever pray.

solving the bonds of matrimony heretofore contracted and
bearing a decree be pronounced by your Honor's court, his
regulations, but not upon her oath; and that upon a final
a party defendant to this bill, and that she answer, its
therefore he prays that the said Cornelia Morefield be made
proper relief, such as to Equity may seem just. To this end
of Go needs to take cognizance of the cause and render the
by the aid of a decree of Equity, in which your Honor's court

Charley Monfield
vs
Cornelia Monfield } In Chy.

This cause having been regularly
matured at rules by service
of process on the defendant,
came on this day to be heard
upon the bill of the complain-
ant, the depositions of ~~the parties~~
and was argued by counsel,
on consideration by the Court,
it is adjudged, ordered and
decreed, that the bonds of
matrimony heretofore ~~existing~~ ^{solemnized}
between the plaintiff and
defendant be, and the same
~~are~~ hereby dissolved and
annulled; ~~and that a divorce~~
~~à vinculo matrimonii be and~~
~~the same is hereby awarded;~~
~~and that the plaintiff recover of~~
~~the defendant his costs, and~~
~~the object of this suit having~~
~~been accomplished it is or-~~
~~dered that the same be stricken~~ ^{as this case is}
from the docket.

Charley Morfield
or Decree
Cornelia Morfield

O.B.
Page 142

Euler & his
W. J. M.
Mar. 6, 1895

The deposition of George Lipps taken before me S. N. Taylor a Justice of the Peace in for the County of Wise, State of Virginia, to be read as evidence in a suit in Chancery now pending in the Circuit Court of Lee County, Virginia; wherein Charley Morifield is plaintiff, and Cornelia Morifield is defendant, taken between the hours of 6 o'clock A.M. and 6 o'clock P.M. pursuant to the annexed notice on the 11th day of February, 1895.

Present: C. H. Jones, atty for Plaintiff.

George Lipps, first being duly sworn deposes and says as follows:

Ques 1. Please state your age, residence and occupation?

Ans 1. Age 27 years, Residence Dercherb-
va. Mining.

Ques 2. State whether or not you are acquainted with the Plaintiff and Defendant to this suit?

Ans 2. I am

Ques 3 State ~~whether~~⁽²⁾ or not you know, whether the defendant Cornelia Morefield has been guilty of of Adultery?

Ans 3 I know it to be a fact, that she has been guilty of adultery, on various occasions.

Ques 4 State whether or not, it was done by the Plaintiff Charlie Morefield Procurement or Concurrence?

Ans 4 It was not.

Ques 5 Was said Adultery committed within five years next before the institution of this suit?

Ans 5 It was.

Ques 6 State whether or not you have known the Plaintiff to have ^{been} a resident of Lee County Va. one year next before the institution of this suit? At Sept rules 1894?

Ans 6 Yes I have known the Plaintiff Charlie Morefield to be a resident of Lee County Va. one year next before the institution of this suit.

(3)

Further this Dependent- Sayell- Not-
Geo. M. Lipps

Virginia }
Whitcomb } Court

I S. M. Taylor a Justice of the
Peace in and for the County
of Wise and the State of Va.
do certify that the foregoing
deposition of Geo. M. Lipps was
taken subscribed and sworn to
before me, for the purpose
mentioned in the caption herein
under my hand this the 11th-
day of Feb 1895

S. M. Taylor J.P.
Wise Co Va

Charley Monfrees
as Depositions
~~Cornelia Monfrees~~
~~Monfrees~~
Received by mail
in good condition
and filed February
The 12th 1845.
A. B. Munsey
Clerk

Justice Thomas
fee \$1.20
paid by Pltts

Mrs. Cornelia Morefield.

Take Notice, That on the 1st day of Nov, 1894, between the hours of 8 o'clock A. M. and 6 o'clock, P. M. at the dwelling house of Floyd Shuler, Yorkum Station, Va. I will proceed to take the depositions of myself and others, which when taken are intended to be read as evidence on my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County, State of Virginia, in which I am plaintiff and you are defendant; and if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and place to place until completed.

This October, 27th 1894.

Very Respectfully,
Charley Morefield.
My Counsel.

Charley Morefield
Notice to take
depositions.

Cornelia Morefield.

Entered, Oct,
30, 1894.

By delivering
a true copy
of the Within
notice to the
Dependent,

H. L. Henry
C. L. G.

The depositions of Charley Morfield and others taken pursuant to the attached notice before me John Riddle a Justice of the Peace in and for the County of Lee, State of Virginia, on behalf of Charley Morfield in a suit in Chancery for divorce now pending in the Circuit Court of Lee County in which Charley Morfield is plaintiff and Cornelia Morfield is Defendant. Taken between the hours of 8 o'clock A. M. and 6 o'clock P. M. Nov. 1st 1894.

John Riddle, J.P.

Present, Charley Morfield, plaintiff, Mrs Jane Ashern, Estel Ashern, Steven Shuler, Mrs Sarah Young, and Chas Jones attorneys for plaintiff.

Charley Morfield, a witness of lawful age, being first duly sworn deposes and says as follows.

Ques. 1. State your age, residence and occupation.

Ans. 22. John Station, Va, Farmer.

Ques. 2. ^{ages} How old.

~~Ans. 2. Am. Morfield Apr. 14, 1872~~

Ques. 3. When were you married; and how long did you live with your wife Cornelia?

Ans. Apr. 14, 1892, Nine or ten months.

Ques. 4. Have you always been kind to

your wife, providing for her wants, and treating her kind as a husband should?

Ans. Yes.

Ques. 5. In this suit you seek a divorce on the ground of adultery; with whom do you allege that the Defendant committed adultery?

Ans. George Lipps.

Ques 6. Were you acquainted with the said Lipps?

Ans. Yes.

Ques 7. Where were you living at the time when your wife Cornelia, committed the acts of adultery as charged in this suit?

Ans. At P. Littons, On his place.

Ques 8. Where was the said George Lipps staying at that time?

Ans. At P. Littons.

Ques 9. Did he get acquainted with her after he came to Littons?

Ans. Yes.

Ques 10. After ^{Lipps} he became acquainted with her, state whether or not she treated you with kindness and affection?

Ans. No she did not. Not as she had before.

Ques 11. Had she always treated as a husband should be treated before this alleged intimacy with Lipps?

Ans. Yes.

Ques 12. Did the said George Lipps alienate her love and affections from you?

Ans. Yes, In my judgment he did.

Ques 13 What led you to suspect that she was having improper and illicit connexions with Lipps?

Ans His visiting her when I was gone from home.

Ques 14 Have you any further reasons to suspect that she was having improper relations with him?

Ans. Yes from what other people told me. He had no excuse for being there.

Ques 15 Did he go there on any apparent business?

Ans No.

Ques 16 Would he visit there when you were at home?

Ans Not often.

Ques 17 State whether or not these circumstances made a violent suspicion on your mind that she (your wife) was committing adultery with Lipps?

Ans. Yes they did.

Ques 18 Did she keep Lipps visits secret from you?

Ans. Most of the time.

Ques 19 From your acquaintance with Lipps, was he a person of lewd and lascivious nature, that is, of a disposition to associate with bad and lewd women?

Ans. Yes.

Ques 20 Were you pretty well acquainted with him?

Ans

Yes.

Ques 21 There are other ⁴ witnesses in this case, state whether or not they told you what you expect to prove by them?

Ans Yes they did, most of them.

Ques 22 State whether or not from the knowledge you had, and what you learned from the other witnesses, you believed her guilty of adultery, and separated from her?

Ans Yes, I believed her guilty of it, from what I learned of the others.

Ques 23 Was this adultery as charged, ^{in the case} committed by your procurement, or connivance?

Ans No. It was not.

Ques 24 Have you lived or cohabited with the defendant Cornelia Morfield, since you had knowledge of the fact of her adultery?

Ans No. I have not.

Ques 25 Did the acts of adultery as charged occur less than five years next before the institution of this suit?

Ans Yes.

Ques 26 Are you and the Defendant to this suit both residents of Lee County Virginia; and if so, have you both been for for one year next before the commencement of this suit

Ans Yes.
And further this deponent saith not.

Wm Charles Morfield

Also Mrs. M. J. Asberry a witness of lawful age, first being duly sworn, deposeseth and saith as follows.

Ques 27 Mrs. Asberry are you acquainted with the defendant in this suit; also George Lipps?

ans. Yes sir.

Ques 28 Tell all you know in regard to her and the said George Lipps.

ans. Well sir one morning they come to my house and they was setting there and ~~an~~ I was boiling some honey and she say to me is your honey done and no J. says some is not as done as I want it to be, and Floyd was setting between her and Lipps, and Floyd got up and moved his chair back and he Lipps reached over and pinched her three times on the arm and three times on the breast, and she looked around and seen I did not like no such work so that, it vexed me in my house before my children He reached and grabbed her again three more times just as he ~~did~~ done the first time, I say to her hit him with the saucer and he laugh and say will you hit me, and she laughed and never said any thing more

Ques 29 Did you ever see him going to, or at her house.

ans I was at home and seen him go.

Ques 30. From where did you see him start, and in what direction did he go?

ans I seen him come out from Mr. Littons house go right down the road as far as the barn open the gate and go through the barn lot and then go through the shed gate and go up around the corner of the orchard towards Charley Morfields house, I seen him in five or ten steps of the house.

Ques 31 Did he seem like like he was going in a secret manner.

ans It seemed like he picked his time when Charley and the boy who was staying with ^{him}, was gone.

Ques 32 When you seen all these things ^{which} state whether or not you mention ~~it~~ it created a suspicion in your mind that she ~~the~~ Cornelia Morfield was to intimate with Lipps?

ans It seemed so to me.

And further this deponent saith not.
m. j. Asbery.

Also the deposition Esty Asbery, a witness of lawful age being a witness of lawful age, deposed and saith as follows.

Ques 22 State your age, and residence?

Ans Fifteen years old. Johnin Station.

Ques 24 Were you acquainted with Cornelia Morefield; also with George Lipps?

Ans. Yes Sir.

Ques 25 Please state whether or not you ever seen her and George Lipps together; if so tell all about it?

Ans. Yes Sir, one day I was going to school, and seen Cornelia and George Lipps standing out in the yard, whether he had his arms around her or had hold of her hand, I am not positive which it was, though I am certain it was one or the other, and I seen them go in the house and shut the door.

Ques 26 Did they know that you saw them?

Ans I dont know where they did or not.

Ques 27 Did you speak to them, or either of them to you?

Ans No Sir.

Ques 28 Do you think they seen you?

Ans I dont know.

Ques 29 When you seen them in the position of which you speak did you look on that as improper for a married woman?

Ans. ~~Yes Sir~~ I thought it ~~improper~~ improper.

And further this deponent saith not.
E. by H. Sherry.

Also the deposition of Sarah Young a witness of lawful age being first duly sworn, deposeth and saith as follows.

Ques 40 State your age and residence?

Ans 27, Turkey Cove.

Ques 41 were you acquainted with Cornelia Morefield; also George Lipps?

Ans Yes sir.

Ques 42 Mrs Young you have been summoned as witness in this cause, and know the nature of it, tell all you know in regard to it.

Ans Well I stayed all night at Charley Morefields, house and Lipps come up there and she went to cleaning up her dishes and he was sitting down before the fire and he couldnt keep his hands off her, just kept picking at her and she got to picking at him and she just diddled around him and fairly danced a tune, and she got to ~~turning~~ running her hands in his pockets and just brauced right up to him and from the appearance of both of them it just seemed like they

was a going to go to work at it.

Ques 42. How long did they remain in that position?

ans, about twenty minutes.

Ques 44 Did they know that any one was seeing them?

ans. They knowed that I was seeing them.

Ques 45- Did they embrace or hug each other-
while in that position?

Ans. No sir.

Ques 46 When you seen this of which
you speak state whether or not
you regarded such act as Criminal
on the part of married women?

Ans. Yes sir, I did.

and further this deponent saith
my
Sarah Young
maile

Also Stephen Shuler a witness of
lawful age first being duly sworn
deposed and said as follows.

June 47 Are you acquainted with Cornelius
Monfield; also George Lipps?

Aus Yes

Ques 48. You know the nature of this case
tell all you know about it.

Ans Well sir I went up to Morfields house
to borrow some Caps and I asked

his wife where Charley Morfield was; she told me he went down on the river to haul corn for Joe Shuler. Her and Lipps was in the corner they was close together, he had his arm up just this way (shows position of his arm) Close to her neck, round it. I was there no time hardly and left the house and got a few yards and looked back and the door was closed.

Ques 49 Was the door closed when you went there?

ans No sir.

And further this Dependent saith not.

Stephen Shuler
mark

I John Riddle a Justice of the Peace in for the County of Lee State of Virginia do certify that I have taken the ~~foregoing~~ ^{were taken before me} depositions of Charley Morfield M. J. Asberry, Esty Asberry and Stephen Shuler and Sarah Young pursuant to the attached notice herewith filed.

Given under my hand

This November 1st 1894

John Riddle J.P.

I John Riddle a Justice of the Peace
in and for the County of Lee, State of
Virginia, do hereby certify that the
foregoing depositions of Charley Morefield,
M. J. Asberry, Costy Asberry, Stephen Shuler
and Sarah Young, were duly taken, subscribed
and sworn to before me for the purposes
mentioned in the caption, Given under
my hand this Nov. 1st 1894.

J. P.

Charley Morefield

Depositions

Cornelia Morefield

Charley Morfield
Depositions.

Cornelia Morfield

Justices fee for
taking \$2.25 3 hours.

Witnesses, 2.00.

paid by Charley Morfield

Received by mail in
good condition filed
Nov the 30th 1894

A B Munsey
Clerk

Cornelia Morefield.

Take notice that on the 11th day of February, 1895, at the Store house of E. H. Ould.

Morton, Wise County, Virginia, between the hours of 6 A.M. and 6 P.M. of that day, I will take the deposition George Lippes and others, which when taken are to be read as evidence in my behalf in a suit in Chancery now pending in the Circuit Court of Lee County, wherein I am plaintiff, and you are defendant. And if from any cause the taking of said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place.

This January 23, 1895.

Charley Morefield.
By Counsel.

Charley Morfield.
vs Notice to take
depositions.

Cornelia Morfield.

Executed January.

30.95 Buy ~~the~~

delivering a
fine bundle of
the within
notice to

Cornil, more
field.

H. L. Flanagan
C. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Bornelia Morefield

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *September*, 189*4*, to answer a bill in Chancery,

exhibited against

her

in our said court by

Charles Morefield

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

5th

day of

September

189*4*

and in the 11

9th

year of the

Commonwealth.

A. B. Munsey Clerk.

Charles Morefield

vs. { SUPENA
IN CHANCERY.

Cornelia Morefield

L. H. Jones p. q.

To 2nd September Rules,
Circuit Court.

Executed Sept
the 12th 1894
by Delivering a true
office copy of
the within Summe
to Cornelia Morefield
this Sept 15-1894
L. M. Wade D. S.
for R. E. Flannery
S. L. C.